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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,100	11/13/2003	Hiroaki Sekizawa	448563/0237	9503

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Lawrence Rosenthal
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038

EXAMINER

CHU, GABRIEL L

ART UNIT	PAPER NUMBER
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2114

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06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/714,100	Applicant(s) SEKIZAWA, HIROAKI	
	Examiner Gabriel L. Chu	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/226,332.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>0107 1113</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 1-18 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Referring to claims 1, 8, 14, 15, 17, 18, and subsequently claims 2-7, 9-13, 16, Applicant claims "unique" timing. Examiner is unable to find support for any such timing's uniqueness, locally, globally, or otherwise. Examiner has found support in the specification for "proper" or "appropriate" timing. Furthermore, "unique" appears to have been first introduced in claim 13 of application 10/154987, now US patent no. 6604212.

3. **Claims 1-18 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As rejected above for "new matter", further, claims 1-18 are not enabled as one of ordinary skill in the art would not know how to make and/or use the invention.

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It is not clear what Applicant intends 'unique' to encompass or how Applicant intends 'unique' to be implemented.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

6. Claims 1-18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Referring to claim 1, and subsequently 2-7, the limitation beginning "a machine information..." is very unclear. It is understood to refer, conceptually, to a step of registering a machine with the integrated monitor by using information particular to the machine as well as information regarding which local network that machine is connected. It is further unclear, throughout the claims, which specific unit is being referenced for any given limitation (see examples below).

8. Referring to claim 2, and subsequently 3-6, it is not clear if "at once" is intended to mean an immediate transaction, or a transaction that occurs once in the second period.

9. Referring to claim 8, and subsequently 9-13, the limitation beginning "a global information...", "any one of the local monitor unit from said local monitor unit" is understood to refer to "any one local monitor unit of the plurality of local monitor units

from said one local monitor unit...”

Further in claim 8, the limitation beginning “a machine information...”, “transmitted by the local monitor unit” is understood to refer to “transmitted by said one local monitor unit”.

Further in claim 8, the limitation beginning “wherein each of local monitor units...” is understood to refer to “wherein each of said plurality of monitor units...”

Further in claim 8, the limitation beginning “ machine information receiving unit” is very unclear. It is understood to refer, conceptually, to a step of registering a machine with the integrated monitor by using information particular to the machine as well as information regarding which local network that machine is connected. It is further unclear, throughout the claims, which specific unit is being referenced for any given limitation.

10. Referring to claim 14, the limitation beginning “wherein each of the local monitor units” is very unclear. It is understood to refer, conceptually, to a step of registering a machine with the integrated monitor by using information particular to the machine as well as information regarding which local network that machine is connected. It is further unclear, throughout the claims, which specific unit is being referenced for any given limitation.

11. Referring to claim 15, and subsequently 16, the limitation beginning “a local monitor...”, “an operation state of each of machines” is understood to refer to “an operation state of each of a plurality of machines”.

Further in claim 15, the limitation beginning “a global monitor step...”, “said

operation state of said machine connected the first-type..." is understood to refer to "said operation state of each of said plurality of said machines connected to a first-type..."

Further in claim 15, the limitation beginning "a machine information transmission step" is very unclear. It is understood to refer, conceptually, to a step of registering a machine with the integrated monitor by using information particular to the machine as well as information regarding which local network that machine is connected. It is further unclear, throughout the claims, which specific unit is being referenced for any given limitation.

12. Referring to claim 17, the limitation beginning "a machine information transmission step" is very unclear. It is understood to refer, conceptually, to a step of registering a machine with the integrated monitor by using information particular to the machine as well as information regarding which local network that machine is connected. It is further unclear, throughout the claims, which specific unit is being referenced for any given limitation.

Further in claim 17, the limitation beginning "whereby the computer...", "whereby the computer makes the integrated monitor unit to display the status information for which machine connected to any one of the first-type computer network based on the machine information registered in the machine information on a given display" is very unclear. It is understood to refer, conceptually, to using the integrated monitor unit to display status information for machines registered in accord with the limitation beginning, "a machine information transmission step..."

13. Referring to claim 18, in the preamble, "each local monitor unit connected to each of machines" means that every machine is connected to every local monitor, which Examiner does not believe Applicant intends. Examiner understands this to refer to each of a plurality of machines being connected to at least one of a plurality of local monitor units, each of said plurality of local monitor units being connected to at least one of said plurality of machines.

Further, the remainder of claim 18 is replete with errors too numerous to completely specify. It is extremely unclear throughout claim 18 which machine and which monitor unit is being referred to at any given point. Further, the limitation beginning "a machine information receiving..." is very unclear. It is understood to refer, conceptually, to a step of registering a machine with the integrated monitor by using information particular to the machine as well as information regarding which local network that machine is connected.

Claim Objections

14. Claims 3, 7, 8, 14, 15, 17 objected to because of the following informalities:

In claim 3, "the .first" should not have the period.

In claim 7, "the first-type computer network" is understood to refer to "the first-type local computer network".

In claim 8 and 14, "any one of the first type computer network" is understood to refer to "any one of the first-type local computer networks".

In claim 15, "information .getting" should not have the period.

In claim 17, "an; integrated" should not have the semi-colon.

Appropriate correction is required.

Double Patenting

15. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

16. Claims 1-18 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-4 of U.S. Patent No.

6681349. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-18 of the instant application are anticipated by claims 2-4 of '349 in that claims 2-4 of '349 contain all of the limitations of claims 1-18 of the instant application. Claims 1-18 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such are unpatentable for obvious-type double patenting. (*In re Goodman* (CAFC) 29 USPQ2d 2010). While limitations of the claims of 1-18 may be broader than the claims of the instant

application, the language and the disclosure of '349 indicate that the limitation of claims of the instant application are merely a subset of '349. These differences are not sufficient to render the claims patentably distinct. *Georgia-Pacific Corp. v. United States Gypsum Co.*, 195 F.3d 1322, 1325, 52 USPQ2d 1590, 1593 (Fed. Cir. 1999).

17. Claims 1-18 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3-6, 8, 12, 13 of U.S. Patent No. 6604212. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-18 of the instant application are anticipated by claims 3-6, 8, 12, 13 of U.S. Patent No. 6604212 in that claims 3-6, 8, 12, 13 of U.S. Patent No. 6604212 contain all of the limitations of claims 1-18 of the instant application. Claims 1-18 of the instant application therefore are not patently distinct from the earlier patent claims, and as such are unpatentable for obvious-type double patenting. (*In re Goodman* (CAFC) 29 USPQ2d 2010). While limitations of the claims of 1-18 may be broader than the claims of the instant application, the language and the disclosure of '212 indicate that the limitation of claims of the instant application are merely a subset of '212. These differences are not sufficient to render the claims patentably distinct. *Georgia-Pacific Corp. v. United States Gypsum Co.*, 195 F.3d 1322, 1325, 52 USPQ2d 1590, 1593 (Fed. Cir. 1999).

18. Claims 1-18 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-60, 65-69 of U.S. Patent No. 6430711. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-18 of the instant application are anticipated

by claims 14-60, 65-69 of U.S. Patent No. 6430711 in that claims 14-60, 65-69 of U.S. Patent No. 6430711 contain all of the limitations of claims 1-18 of the instant application. Claims 1-18 of the instant application therefore are not patently distinct from the earlier patent claims, and as such are unpatentable for obvious-type double patenting. (In re Goodman (CAFC) 29 USPQ2d 2010). While limitations of the claims of 1-18 may be broader than the claims of the instant application, the language and the disclosure of '711 indicate that the limitation of claims of the instant application are merely a subset of '711. These differences are not sufficient to render the claims patentably distinct. Georgia-Pacific Corp. v. United States Gypsum Co., 195 F.3d 1322, 1325, 52 USPQ2d 1590, 1593 (Fed. Cir. 1999).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See notice of references cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel L. Chu whose telephone number is (571) 272-3656. The examiner can normally be reached on weekdays between 8:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gabriel L. Chu
Primary Examiner
Art Unit 2114

gc